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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,141	04/23/2001	Shuichi Shiitani	1359.1044	1624

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/2006 has been entered.

Prosecution History Summary

- Claims 1-10 and 17-24 are pending in the instant application.
- Claims 11-16 were previously canceled.
- Claim 24 has been added per the applicant's response filed 8/09/2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes (U.S. Patent Application Publication No. 2002/0002502) in view of Shultz (U.S. Patent Application Publication 2003/0061211).

Referring to claim 1. Maes discloses an online shopping method, comprising:

- Previously generating/preparing article data in which features of an article and a data sending rank are related to each article picture as additional information (Maes: paragraph 0048 through paragraph 0050 and paragraph 0057 through paragraph 0059);
- Upon receiving an article search by a user, generating article picture arrangement data of all search resultant article pictures in which similar search resultant article pictures are disposed on a two-dimensional plane (Maes: paragraph 0051 through paragraph 0052 and paragraph 0059);
- Sending the article picture arrangement data to a user terminal (Maes: paragraph 0051 through paragraph 0052 and paragraph 0059); and
- At the user terminal, displaying each of the search resultant article picture at each arrangement position on a screen of search results in a receiving order (Maes: paragraph 0054 through paragraph 0055).

Art Unit: 3625

Maes does not expressly disclose an online shopping method, comprising:

- Upon receiving an article search by a user, the more similar the results are in the features, the more closely the results are disposed and sending the search resultant article pictures in accordance with the data sending rank ;
- Sending the search resultant article pictures in accordance with the data sending rank; and
- At the user terminal, displaying each of the search resultant article picture at each arrangement position in accordance with the article picture arrangement data on a screen of search results in a receiving order, thereby displaying an article picture with a higher data sending rank earlier at the arrangement position.

Shultz discloses an online shopping method, comprising:

- Upon receiving an article search by a user, the more similar the results are in the features, the more closely the results are disposed and sending the search resultant article pictures in accordance with the data sending rank (Shultz: paragraph 0060);
- Sending the search resultant article pictures in accordance with the data sending rank (Shultz: paragraph 0061); and
- At the user terminal, displaying each of the search resultant article picture at each arrangement position in accordance with the article picture arrangement data on a screen of search results in a receiving order (Shultz: paragraph 0061)

thereby displaying a result with a higher data sending rank earlier at the arrangement position (Shultz: paragraph 0061).

The Examiner notes, Shultz discloses a method wherein information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user (Shultz: paragraph 0060). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

Referring to claim 2. Maes further discloses an online shopping method wherein the features of the article are any one selected from the group consisting of features of an article picture of the article, a keyword representing the features of the article, and article classification information regarding classification of the article in accordance with the features thereof, or a combination thereof (Maes: paragraph 0048 through paragraph 0052).

Referring to claim 3. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider (Maes: paragraphs 0050).

Referring to claim 4. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data sending rank in accordance with the notified items (Maes: paragraph 0054).

Referring to claim 5. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Referring to claim 6. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claim 7. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider ((Maes: paragraph 0048 through paragraph 0052).

Referring to claim 8. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data sending rank in accordance with the notified items (Maes: paragraph 0054 through paragraph 0055).

Referring to claim 9. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Referring to claim 10. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claims 17-20. Claims 17-20 are rejected under the same rationale as set forth above in claims 1-10.

Referring to claims 21-22. Claims 21-22 are rejected under the same rationale as set forth above in claims 1-10.

Referring to claim 23. Claims 23 is rejected under the same rationale as set forth above in claims 1-10.

Referring to claim 24. Claims 24 is rejected under the same rationale as set forth above in claims 1-10.

Response to Arguments

Applicant's arguments filed 2/23/2006 with respect to the pending claims were considered but are not persuasive.

The Applicant argues that the Office Action mailed on 5/9/2006 contains conflicting statements.

The Examiner notes, the Office Action mailed on 5/9/2006 clearly set forth that Maes does not disclose upon receiving an article search by a user, the more similar the results are in the features, the more closely the results are disposed and sending the search resultant article pictures in accordance with the data sending rank.

Maes however does disclose upon receiving an article search by a user, generating article picture arrangement data of all search resultant article pictures in which similar search resultant article pictures are disposed on a two-dimensional plane (Maes: paragraph 0051 through paragraph 0052 and paragraph 0059).

Shultz was used to supply the deficiency found in the Maes reference. As previously notes, at the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

The Examiner notes, the term "similar" in the pending claims were given their broadest reasonable interpretation consistent with the specification." In re Hyatt, 211 F.3d1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). The scope of the term

“similar” is unclear and open-ended. Furthermore, the specification as originally filed does not adequately demonstrate a standard for measuring said similarity.

The Applicant argues, that Shultz is limited to sorting results based on closest proximity to location data and at best describes a one-dimensional sorting based on a standard that is not related to the similarity of article pictures as search results.

The Examiner notes, Shultz discloses a method wherein information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user (Shultz: paragraph 0060). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

The Applicant argues that Shultz does not teach or suggest the claimed display order or articles as search results; instead Shultz is limited to an interface displaying search results on a map.

The Examiner notes, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Primary Examiner
August 28, 2006